

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 4532 of 2017
Date of Decision: January 25, 2019

Ballu

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Jagmohan Ghumman, Advocate
for the petitioner

Mr. D.R. Singla, DAG Haryana

Sudhir Mittal, J. (Oral)

FIR No. 50 dated 08.05.2009 under Sections 323, 324, 325, 506 read with Section 34 of the Indian Penal Code (45 of 1860) was registered against the petitioner and his co-accused at Police Station Ellenabad. After presentation of challan and completion of trial, the petitioner alongwith his co-accused, was convicted under Sections 323, 324, 325, 506 read with 34 IPC. The petitioner was sentenced as under:-

Under Section	Sentence
325 IPC	RI for two years and to pay a fine of Rs. 2000/- and in default of payment of fine to further undergo imprisonment for two months
324 IPC	RI for two years and to pay a fine of Rs. 2000/- and in default of payment of fine to further undergo imprisonment for two months
323 IPC	RI for one year and to pay a fine of Rs. 1000/- and in default of payment of fine to further undergo imprisonment for one month
506 IPC	RI for three months and to pay a fine of Rs. 500/- and in default of payment of fine to further undergo imprisonment for one week

Sentences were to run concurrently.

2. Aggrieved against the judgment of conviction and order of sentence, the petitioner preferred an appeal and vide judgment dated 27.10.2017, learned Additional Sessions Judge, Sirsa, dismissed his appeal and upheld the sentence imposed upon the petitioner by the learned Sub Divisional Judicial Magistrate, Ellenabad. Hence, the present revision petition.

3. Notice of motion was issued inasmuch as learned counsel for the petitioner confined his prayer to reduction in the quantum of sentence.

4. Today, learned counsel for the petitioner submits that he does not contest the revision on merits and prayed that the petitioner has been undergoing his sentence since 27.10.2017 i.e. the date of dismissal of his appeal by the learned Appellate Court and prior thereto he also remained in custody as an under trial. He prays that the petitioner is a poor person and is the sole bread winner of the family and that lenient view in the quantum of sentence of the petitioner may be taken.

5. Custody certificate of the petitioner dated 23.01.2019 prepared by Sh. Varun Sinwar, Deputy Superintendent, District Prison, Sirsa, has been filed in the Court today by the learned State counsel, which is taken on record. Custody certificate of the petitioner shows that he has undergone actual sentence of one year, five months and eighteen days including remission and that no other case is pending or decided against him. FIR was registered on 08.05.2009 and sentence of the petitioner was of 19.12.2013 and thus, he had faced travails of trial for more than four years besides undergoing sentence of one year, five months and eighteen days.

6. Thus, keeping in view the fact that one of the objectives of the criminal jurisprudence is to reform a convict as also the facts and circumstances of the case, I feel that the petitioner has been adequately punished.

7. Accordingly, the impugned judgment of conviction dated 18.12.2013 passed by the Sub Divisional Judicial Magistrate, Ellenabad and as upheld by

Additional Sessions Judge, Sirsa vide impugned judgment dated 27.10.2017, is

maintained. So far as order of sentence is concerned, the sentence of the petitioner is reduced and he is sentenced to the period already undergone by him.

8. With the above modification in the impugned order of sentence, instant revision petition is dismissed. The petitioner be set at liberty forthwith, in case he is not required in any other case.

9. Copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for compliance.

January 25, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No